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09/849,793	05/04/2001	Shyh-Mei F. Ho	SVL920010041US1/3493P	1989

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EXAMINER
PRICE, NATHAN E

ART UNIT	PAPER NUMBER
2194	

NOTIFICATION DATE	DELIVERY MODE
09/16/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@sawyerlawgroup.com

	Application No.	Applicant(s)
Office Action Summary	09/849,793	HO ET AL.
	Examiner	Art Unit	
	NATHAN PRICE	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
> Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 July 2008</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1 and 13-17</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1 and 13-17</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some * c) ☐ None of:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____.
   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date <u>06/26/2008</u>.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1 and 13 – 17 are pending.

2.   This Office Action is in response to communications received 22 July 2008.
Previous objections and rejections not included in this Office Action have been
withdrawn.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set
forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this
application is eligible for continued examination under 37 CFR 1.114, and the fee set
forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action
has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 July
2008 has been entered.

Response to Arguments

4.   Applicant's arguments with respect to claims 1 and 13 – 17 have been
considered but are not persuasive or are moot in view of the new ground(s) of rejection.

5.   Applicant argues that although Ben-Shachar teaches the end user application
can be a web browser, the reference fails to teach the end user application can be a

SOAP application or a Java application. However, the claim recites the end user

application being any of a web browser, a SOAP application or a Java application.

Therefore, teaching any of the three embodiments teaches the recited limitation.

6.   Regarding the claimed screen formatting, Ben-Shachar fails to teach

"…capturing with 3270 screen formatting…" as previously claimed. See the current

rejection regarding rejection of the currently amended limitation.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

7.   Claims 1 and 13 – 17 contain the trademark/trade names SOAP, Java and 3270.

Where a trademark or trade name is used in a claim as a limitation to identify or

describe a particular material or product, the claim does not comply with the

requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218

USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade

name cannot be used properly to identify any particular material or product. A

trademark or trade name is used to identify a source of goods, and not the goods

themselves. Thus, a trademark or trade name does not identify or describe the goods

associated with the trademark or trade name. In the present case, the trademark/trade

name is used to identify/describe formats and languages and, accordingly, the

identification/description is indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claim 1 and 13 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ben-Shachar (US 5,761,656) in view of Deborin (see PTO-892 mailed 24 August

2007).

9.   It is noted that in the event that the runtime middleware of claim 1 part b) is an

application, then the web application server and the connector are not required. Since

part e) further specifies features of the connector, a reference teaching the runtime

middleware is an application is not required to teach the features recited in part e) in

order to disclose an embodiment the claimed method. However, part e) of the claim is

addressed in this rejection.

10.   As to claim 1, Ben-Shachar discloses a method of processing an application request on an end user application and an application server including a runtime middleware (abstract; col. 5 lines 2 -16), the method comprising:

a)   initiating the application request on the end user application in a first language with a first application program wherein the end user application is a web browser, a SOAP application or a Java application (col. 5 lines 6 - 33);

b)   transmitting the application request to the server and converting the application request from the first language of the first end user application to a form for the language running on the application server (col. 5 lines 3 - 12), wherein the end user application is connected to the application server through a runtime middleware that is an application or a web application server, the web application server comprising a connector (col. 5 lines 2 - 16, execution manager 150; Fig. 20);

c)   processing said application request on the application server (col. 5 lines 6 - 15);

d)   transmitting a response to the application request from the application server to the end user application, and converting the response to the application request from the language running on the application server to the first language of the first end user application (col. 5 lines 12- 17); and

e)   wherein the connector comprises invocation metamodel data, application domain interface metamodel data, transaction message metamodel data, and type descriptor metamodel data (col. 4 lines 30 - 36; col. 5 lines 2 - 12, 39 - 50), wherein the connector is configured to (i) convert the application request from the first language of

the first end user application as a source language to the language running on the

application server as a target language (col. 5 lines 6 - 12), and (ii) convert a response

to the application request from the language running on the application server as a

source language to the first language of the first end user application as a target

language (col. 5 lines 13 - 16), each comprise:

　　　　　　1)　　invoking connector metamodels of respective source language and

target language ("mapping file" col. 5 lines 6 - 15);

　　　　　　2)　　populating the connector metamodels with metamodel data of each

of the respective source language and target language, the metamodel data comprising

screen formatting for applications (col. 4 lines 26 – 36; col. 16 lines 21 – 37), the

metamodel data of the target language including a map, a mapset, and a mapfield

(Figures 3 and 10; col. 5 lines 29 - 48; col. 9 lines 10 - 22); and

　　　　　　3)　　converting the source language to the target language (col. 9 lines

10- 22).

11.　　　Ben-Shachar fails to specifically disclose a mapping support language, a web

server and connector, metamodel details, 3270, 3270 terminals and an audible alarm as

claimed. However, Deborin discloses a mapping support language (p. 139 ¶ 1) and a

BMS map, mapset, mapfield and attributes (§6.1; p. 158 2nd "●"). Deborin also

discloses a web server as claimed (Figs. 17 and 18; §1.4).

12.   Deborin also discloses wherein the connector comprises invocation and
transformation capabilities, wherein the connector comprises a language metamodel to
define data structures that represent connector interfaces, wherein the language
metamodel indicates a source language, a target language, and a mapping between the
source language and the target language, wherein the language metamodel comprises
declaration text that is not editable, wherein the connector comprises a type descriptor
metamodel that is language neutral and that defines a physical realization, a storage
mapping, and a plurality of constraints, wherein the type descriptor metamodel provides
a physical representation of individual fields of a given data structure, wherein the type
descriptor metamodel provides data types mapping between languages (Figs. 17 – 21;
§1.3; 1.4; 1.5; 5.1.1; 5.4.5.2; 6.1).

13.   Deborin also discloses 3270 screen formatting for applications (§3.2 ¶ 1) and the
BMS attributes comprise a control attribute that defines characteristics of 3270
terminals, and an alarm attribute that activates a 3270 audible alarm (p. 278 ¶3; p. 281
– 282, specifically, "ALARM" at the top of page 282).

14.   It would have been obvious to one of ordinary skill in the art at the time of
Applicant's invention to combine these references because both references focus on
providing server processing to clients by mapping requests between formats of the
client and server.

15.   As to claim 13, Deborin teaches the connector uses BMS metadata for

interpretative marshalling (p. 139 ¶1).

16.   As to claim 14, Deborin teaches the connector uses adapters (Fig. 17, plugin).

17.   As to claims 15 – 17, see the rejection of claims 1, 13 and 14.

Conclusion

        Any inquiry concerning this communication or earlier communications from the

examiner should be directed to NATHAN PRICE whose telephone number is (571)272-

4196. The examiner can normally be reached on 6:00am - 2:30pm, Monday - Friday.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/   NP
Supervisory Patent Examiner, Art Unit 2195